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KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXII] Trivandrum, Wednesday, 8th June 1977 / 18th Jyaistha 1899 [No. 331

GOVERNMENT OF KERALA

Home (C) Department

NOTIFICATION

G. O. RT. 1204/77/Home. *Dated, Trivandrum, 8th June 1977.*

S. R. O. No. 482/77.—In exercise of the powers conferred by section 21 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) the Government of Kerala hereby make the following amendment to the Notification issued under G. O. Rt. 1237/77/Home dated 2-6-1977 and published in Kerala Gazette extraordinary No. 324 dated 2nd June, 1977.

AMENDMENT

In the Schedule to the said Notification for items 20 and 21 and entries against them the following shall be substituted.

"20 Deputy Collector (Land Tribunal) Badagara	Badagara and Quilandy Taluk.
21 Deputy Collector (Land Tribunal) Kozhikode	Kozhikode Taluk."

By order of the Governor,
G. SUKUMARAN NAIR,
Additional Secretary.

33/1879/MC.

Explanatory Note

(This is not part of the notification but is intended to give its general purport).

The posts of Additional Deputy Collector (Land Reforms I) and Additional Deputy Collector (Land Reforms II) Kozhikode were abolished with effect from 1-6-1977 and instead two posts of Deputy Collectors (Land Tribunal) Badagara and Kozhikode have been created. It is necessary to invest the Deputy Collector (Land Tribunal) Badagara and Kozhikode with powers of Special Executive Magistrates. This notification is intended to achieve this purpose.

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GOVERNMENT OF KERALA

Taxes (B) Department

NOTIFICATION

G. O. Ms. No. 59/77/TD. *Dated, Trivandrum, 8th June,* 1977.

S. R. O. No. 483/77.—In exercise of the powers conferred by section 57 of the Kerala General Sales Tax Act, 1963 (15 of 1963), the Government of Kerala hereby make the following amendments to the Kerala General Sales Tax Rules, 1963, namely:—

AMENDMENTS

In the said rules,—

1. In the said rules, in rule 3, after clause (g), the following clause shall be inserted, namely:—

(gg). "Quarter" means a period of three months commencing on the first day of April or the first day of July or the first day of October or the first day of January in each year."

2. for rule 4, the following rule shall be substituted, namely:—

"4. *Appellate Tribunal.*—Of the members of the Appellate Tribunal (other than its Chairman) appointed under section 4,—

(i) as nearly as possible, one half shall be from Officers of the Agricultural Income Tax and Sales Tax Department of the Government not below the rank of Deputy Commissioner; and

(ii) the others shall be Chartered Accountants as defined in the Chartered Accountant's Act, 1949 or Class I Officers of the Indian Audit and Accounts Service having not less than three years' service as such in revenue audit.";

3. in rule 5 in sub-rule (2), for the words "seven thousand five hundred rupees", in both the places where they occur, the words, "twenty-five thousand rupees" shall be substituted;

(ii) in sub-rule (26), clauses (iv) and (v) shall be omitted;

4. after rule 18, the following rule shall be inserted, namely:—

18A. *Dealers entitled to assessment under section 17 (4) claiming exemption etc. from tax to furnish certain documents.*—(1) A dealer entitled to assessment under sub-section (4) of section 17 shall, if he claims any exemption from, or reduction in the rate of, tax or rebate or refund of tax, file along with the return the following documents for the purpose of verifying the genuineness of the claim for such exemption, rebate, reduction or refund, as the case may be, namely:—

(a) particulars of purchases made during the year within the State, of goods subject to tax at the point of first sale in the State in the following form, separately for each class of such goods, namely:—

Sl. No.	*Bill No. and Date*	*Name and address of the dealer from whom purchased with R.C. No.*	*Name of goods*	*Amount*
(1)	(2)	(3)	(4)	(5)

(b) opening stock and closing stock of the year in respect of the goods falling under the First and Second Schedules to the Act;

(c) total value of each class of goods completely exempted from tax under the Third Schedule to the Act under Notifications under section 10, purchased during the year;

(d) a statement of the total Sales tax collected at different rates during the year;

(e) declarations in Form 25 obtained during the year along with a list thereof;

(f) a statement of sales made through agents during the year in the following form along with the declaration obtained from the agent to the effect that such agent has included the sales in his turnover and that tax has been paid by him, in respect of agents within the State:—

Sl. No.	*Name and address of the Agent*	*Sale value of goods*
(1)	(2)	(3)

(g) declaration in Form 18, if reduction is claimed under section 5 (3).

(h) a list in the following form in respect of inter-state sales made during the year, namely:—

Sl. No.	*Bill No. and Date*	*Name and address of dealer to whom sold*	*Amount*	*C Form No. and Date*
(1)	(2)	(3)	(4)	(5)

(i) a list in the following form for sales return, namely:—

Sl. No.	*Date of sale with Bill and Date*	*Amount*	*Date of return with credit note No. if any.*
(1)	(2)	(3)	(4)

(j) amount claimed as discount, if any.

(k) a list in the following form in respect of accommodation sales, namely:—

Sl. No.	*Bill No. and date of goods purchased*	*Name and address of dealer from whom purchased*	*Amount*	*Bill No. & date of goods sold*	*Amount*
(1)	(2)	(3)	(4)	(5)	(6)

(l) amount in respect of branch transfer effected during the year with name and address of each branch; and

(m) such other documents on which the dealer relies in support of his claim for exemption, reduction, rebate or refund, as the case may be.

(2) where the assessing authority is satisfied that the method of assessment specified in sub-section (4) of section 17 is not applicable to any case, being a case falling under the second or the third proviso thereto, the assessing authority shall after affording an opportunity to the dealer of being heard, pass an order to that effect and serve it on the dealer and shall proceed to assess him under rule 15 or sub rule (5) of rule 18, as the case may be.

(3). (i) The tax payable under sub-section (3A) of section 18 shall be paid on or before the 10th day of the month succeeding the quarter;

(ii) the estimate under sub-section (3A) of section 18 shall be filed in Form No. 14A and shall be verified in the manner specified therein;"

(5) in rule 20, for the word, figures and letter "form 14A", the words figures and letter "form No. 14B" shall be substituted;

(6) in rule 21, in sub-rule 14, for the word figures and letter "form 14A" the words figures and letter "Form No. 14B" shall be substituted;

(7) in rule 31, for the word "penalty" wherever it occurs the words "penal interest" shall be substituted;

8. after rule 31 the following rule shall be inserted, namely:—

"31A *Payment of penalty.*—(1) The penalty payable under section 45A shall be remitted into the Government Treasury or paid by means of crossed cheque or crossed demand draft in favour of the assessing authority concerned.

(2) The assessing authority imposing the penalty under section 45A shall serve a notice of demand on the dealer in Form 24-A. On receipt of the

notice the dealer shall pay the penalty due in the manner specified in sub-rule (1) on or before the day specified in the notice of demand.

9. rule 33 shall be omitted;

10. for rule 34, the following rule shall be substituted, namely:—

"34. *Search and seizure of documents.*—(1) The authorisation under the proviso to sub-section (3) of section 28 shall be in form 26A.

(2) The authorisation under clause (b) of sub-section (7) of section 28 shall be in Form 27.

(3) Every authorisation referred to in sub-rules (1) and (2) shall be in writing under the signature of the authority issuing it and shall bear the seal of such authority.";

(4) Any person in charge of any building, place, godown, vessel or vehicle or box or receptacle shall on demand by an authority not below the rank of an assessing authority, and any person in charge of /in any residential accommodation shall on demand by the authority authorised under sub-section (3) of Section 28 and on production of authorisation allow such authority free ingress thereto and access to the contents of any box or receptacle and afford all reasonable facilities for a search therein.

(5) If ingress to such building, place, godown, vehicle, vessel or residential accommodation or access to the contents of any box or receptacle cannot be so obtained it shall be lawful for such authority with such assistance of the police or other officers of the State Government, as may be required, enter such building, place, godown vehicle or residential accommodation or to have access to the contents of any box or receptacle and search therein and in order to effect such entrance or access to break open any box or receptacle or any outer or inner door or window of any building, place, vehicle or vessel or residential accommodation, whether that of the person to be searched or of any other person if after notification of his authority and purpose and demand of admittance duly made he cannot otherwise obtain admittance or access:

Provided that if any such vehicle, vessel, building place or residential accommodation is occupied by a woman who according to custom does not appear in public the Officer or authorised officer shall as the case may be before entering such vehicle, vessel, building, place or residential accommodation give notice to such woman that she is at liberty to withdraw and shall afford her every reasonable facility for withdrawing:

(6). The Officer or the authorised officer as the case may be, may if the owner or any other person in occupation or in immediate possession or control of any box, or receptacle, godown, building or residential accommodation in which any goods, accounts, registers, records or other documents are or are reasonably believed to be kept leaves the premises or refuses to open the box or receptacle, godown, building or residential accommodation or is not available and such officer considers is not practicable to exercise the power of breaking open immediately, seal such box, receptacle, godown, building or residential

accommodation and serve an order on the owner or the person who is in the immediate possession or control thereof that he shall not open, remove, part with or otherwise deal with such box, receptacle, godown, building or residential accommodation.

(7) Where any person has got out of or is about to get into or is in, any place referred to in clause (a) or clause (b) of sub-section (3) of section 28 or any vehicle or any dealer and the officer has reason to suspect that such person has secreted about his person any goods or accounts, registers, records or other documents such person may be searched by such officer with such assistance as he may consider necessary. If such person is a woman the search shall be made by another woman with strict regard to decency.

(8) Where any officer or authorised officer conducts a search of any person, office, shop, place of business, residential accommodation, godown, vessel, receptacle, vehicle or any premises or place where any books of accounts of a dealer may be, or are reasonably suspected to be, kept, he shall as far as may be, follow the procedure prescribed in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

(9) If on search, such officer finds any accounts, registers or other documents which he has reasons to suspect that the dealer is maintaining with a view to evading the payment of any tax or fee due from him under the Act, he shall, for reasons to be recorded in writing, seize such accounts, registers and documents of the dealer as my be necessary and shall give the dealer a receipt for the same. The accounts and registers so seized shall be returned to the dealer within thirty days and in cases where permission of the next higher authority under sub-section(6)of section 28 has been obtained within forty-five days from the date of seizure unless they are required for a prosecution.

(10) When any accounts, registers or documents of a dealer seized by any officer empowered in this behalf have to be returned to the dealer, such return may be made after taking such extracts therefrom as may be considered necessary. The authority making the return shall affix its signature or official seal or both on such accounts, registers or documents and the dealer shall give a receipt in acknowledgement, which shall mention the details of the records returned and the number and particulars of the places where the signature or the seal, or both, have been affixed on the accounts, registers or documents returned to him.

(11) When any accounts, registers or documents are inspected or examined by any authority empowered in this behalf, such authority shall affix his signature or official seal or both, at one or more places therein.

(12) If any officer or authorised officer while inspecting or searching any place finds therein any goods not accounted for by the dealer in his accounts and other records such officer shall prepare a list of all such goods and get it signed by two respectable witnesses. One copy of such list shall be given or tendered to the dealer or the person in charge of the place.

11. after rule 39 the following rule shall be inserted, namely:—

"39A. *Filing of application under section* 45 *A*.—

Every application under sub-section (3) or sub-section (5) of section 45A shall be in Form 31A and shall be verified in the manner specified therein.";

12. in rule 63,

(i) the word "notices" occurring in the marginal heading shall be omitted;

(ii) the word "Notice" occurring in the opening paragraph shall be omitted;

13. in Form No. 11, for the word "Penalty", the words "Penal interest", shall be substituted;

14. Form No. 14A shall be renumbered as Form 14B and before the Form as so renumbered, the following Form shall be inserted, namely:—

THE KERALA GENERAL SALES TAX RULES

FORM 14A

The estimate of turnover under section 18 (3A) for the Principal place of business/Branch at....................

[*See* rule 18A (3) (ii)]

To

The Assessing Authority.

Sir,

I, ...son of..............
.................................furnish herewith the estimate of turnover and tax for the quarter ending..

1. Name and full address of the dealer. If there is a trade name, the trade name shall also be given.

2. Particulars of branches, if any, with postal address of each branch.

3. No. and date of assessment order in relation to which the estimate is filed.

4. Particulars of total turnover, exempted turnover and taxable turnover for the quarter.

Sl. No.	*Name of each class of goods*	*Rate of tax*	*Total turnover*	*Exempted turnover*	*Taxable turnover*	*Tax due on the taxable turnover*
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Grand total:

Tax paid for the quarter as per assessment order referred to in item No. 1

Balance if any:

Details of payments of the balance amounts

DECLARATION

I,..son of...............................do hereby declare that to the best of my knowledge and belief the information furnished in the above statement is true and correct and that this relates to the principal place of business/branches at.. for the quarter ending.................................

Place..............................

Date..............................

1. Name and Signature
2. Status (whether proprietor, manager etc.) with seal, if any.

Instructions for filling up the return

1. Separate return shall be filed for each place of business with a consolidated return for all places.
2. In the case of goods placed under the sale scheme of taxation, the turnover is the sale value.
3. In the case of goods taxable at the purchase point, the turnover is the purchase value.

4. Turnover of each class of goods subject to different rates of tax and exempted goods shall be shown separately.

5. Clear postal address with building number, name, ward name, road name, etc., shall be given wherever required.

6. As far as possible, classification of goods shall be entered as given under the schedules attached to the Act, except in the case of other general goods.

7. Total turnover includes local sales, inter-state sales and foreign export sales.";

15. In Form No. 24, for the word "Panalty" in both the places where they occur the words "penal interest" shall be substituted;

16. After Form No. 24, the following Form shall be inserted, namely:—

THE KERALA GENERAL SALES TAX RULES, 1963

FORM 24A

Notice of demand of Penalty under Section 45A

[*See* rule 31A (2)]

To

....

....

Whereas you have committed the offence(s) under clause(s)* of sub-section (1) of section 45A;

And whereas a penalty/total penalty of Rs. ......(in figures) Rupees.... (in words) has been imposed on you under section 45A of the Act;

You are hereby directed to pay the above sum of Rs.........(in figures) Rupees...............(in words) being the penalty imposed on you as aforesaid on or before .... by crossed cheque or crossed demand draft in favour of the undersigned or by remitting into the Government Treasury, failing which the same shall be recoverable from you as an arrear of land revenue and/or as a fine imposed by a Magistrate.

Place: *Signature of the Assessing Authority*
Date: (with seal of office)

* Specify the relevant clause or clauses.

17. After Form No. 26, the following Forms shall be inserted, namely:—

"THE KERALA GENERAL SALES TAX RULES, 1963

FORM 26A

Form of authorisation under section 28 (3)

[*See* rule 34 (1)]

To

(Officer to whom issued).

Whereas on consideration of information placed before me I am satisfied that a search of............(specify particulars of the residential accommodation) is required.

This is to authorise you (name and designation of authority/authorities) ....to enter and search the said residential accommodation, with the assistance of such police or other officers of the Government as you consider necessary.

Signature,

(Seal) *Member,*

Place............ *Board of Revenue.*

Date............

THE KERALA GENERAL SALES TAX RULES, 1963

FORM 27

[Form of authorisation under section 28 (7) (b).

[*See* rule 34 (2)]

To

(Officer to whom issued)

Whereas information has been placed before me that you have sealed the

.................(specify items)

in

(specify details of place or premises, etc.) and that the same has to be broken open

This is to authorise you (Name and designation of the authority/authorities)..............................to break open the said

(specify items)

with the assistance of such police or other officers of the State Government as you consider necessary.

Signature,

Member,

(Seal) *Board of Revenue.*

Place..............

Date..............

18. After Form No. 31, the following form shall be inserted, namely:—

THE KERALA GENERAL SALES TAX RULES, 1963

FORM No. 31A

Form of application

(*See* rule 39A and Section 45A)

To

The Board of Revenue*

Deputy Commissioner of Sales Tax

The ....day of.......................................197.....

1. Name(s) of applicant(s)
2. Authority passing the order in dispute
3. Date of communication of the order against which the application is filed.
4. Address to which notice may be sent to the applicant(s).
5. Relief claimed
6. Grounds of application

(Sd.)
Applicant(s)

Verification

I/We...the applicant(s) d hereby declare that what is stated above is true to the best of my/our know ledge and belief.

Verified today the . day of , 19

(Sd.)
Applicant(s)

N.B.—The application should be accompanied by the original order again which it is filed or by a certified copy thereof unless the omission t produce such order or copy is explained to the satisfaction of tl authority concerned.".

By order of the Governor,

J. S. JESUDHASAN,
Secretary to Government.

*Strike out whichever is not applicable.

Explanatory Note

(This is not a part of the amendment or rule but is intended to indicate the general purport)

It is proposed to amend the Kerala General Sales Tax Rules, 1963 for the following purposes.

(1) Sub section (3A) of section 18 of the Kerala General Sales Tax Act, 1963 as introduced by the Kerala General Sales Tax (Third Amendment) Act, 1966 (45 of 1976) provides that if in the estimate of the dealer the amount of tax payable by him under that section for any quarter exceeds the amount of tax or the proportionate amount of tax demanded from him for that quarter by more than fifteen per cent he shall send to the assessing authority an estimate of his taxable turnover for that quarter and the tax payable by him under the section for that quarter. It is therefore considered necessary to define the term quarter.

(2) Rule 4 as it stands now provides that the two members of the Appellate Tribunal (other than its Chairman) appointed under section 4 one shall be an Officer of the Agricultural Income Tax and Sales Tax Department not below the rank of a Deputy Commissioner and other shall be a Chartered Accountant as defined in the Chartered Accountant's Act, 1949. By Act 11 of 1976 section 4 of the Act was amended to enable appointment of as many other members as the Government may think fit in the Tribunal. It is therefore considered necessary to modify rule 4 for prescribing the qualifications of the members (other than Chairman) of the Appellate Tribunal and also to fix the ratio of Departmental member and accounts member.

(3) Sub rule (2) of rule 5 provides that among other things that every dealer commencing business after the commencement of the Act whose total turnover reaches seven thousand five hundred rupees in any year shall submit to the assessing authority of the area in which the principal place of business is situated an application for registration within 30 days of his turnover reaching seven thousand five hundred Rupees. The turnover limit for compulsory registration in respect of dealers in multi-point goods has been enhanced to Rs. 25,000 with effect from 1-4-1976 by Act 45 of 1976. Consequently the reference to 'seven thousand five hundred rupees' in sub rule (2) of rule 5 is proposed to be changed into twenty-five thousand rupees.

(4) Sub rule (26) of rule 5 prescribes the conditions subject to which the registered dealers may collect amounts by way of taxes under the Act. Section 22 of the Kerala General Sales Tax Act, 1963 was substituted by section 3 of the Kerala General Sales Tax (Amendment) Act, 1976 (11 of 1976) laying down clearly the cases where no registered dealer shall collect any sum purported to be by way of tax under the Act. It is therefore considered that sub rule (26) of rule 5 may be deleted.

(5) Section 17 of the Act was amended by section 6 of the Kerala General Sales Tax (Third Amendment) Act, 1976 (45 of 1976) incorporating a new provision for simplified assessment of dealers whose total turnover

does not exceed one lakh rupees. Under the provisions introduced it is necessary to prescribe the documents to be produced by the assessees for the purpose of verifying the genuiness of the claim for exemption, reduction, rebate or refund as the case may be. Similarly sub section (3A) of section 18 introduced by Act 45 of 1976 provides that if in the estimate of a dealer, the amount of tax payable by him under the section for any quarter exceeds the amount of tax or the proportionate amount of tax demanded from him for that quarter by more than fifteen per cent, he shall send to the assessing authority an estimate of his taxable turnover for that quarter. Sub-section (3B) of that section further provides that every estimate under sub-section (3A) shall be in the prescribed form and shall be verified in the prescribed manner. It is therefore necessary to prescribe the form of estimate to be furnished by the dealers under this section and also the manner of its verification.

(6) Section 23 of the Act has been amended by section 5 of Act 12 of 1976 by which the word 'penalty' in sub-section (3) of the said section has been substituted by the words 'penal interest'. Consequent on the amendment of the Act, rule 31 and Form No. 12 require amendment to substitute the word 'penalty' by the word "penal interest".

(7) Section 45A of the Kerala General Sales Tax Act, 1963 introduced by Act 12 of 1976 empowers the assessing authority or the appellate authority to direct payment by way of penalty an amount of fifty rupees or twice the amount of sales tax or other amount sought to be evaded whichever is higher. It is therefore necessary to prescribe the form for demand of penalty imposed under section 45A and also the form of application for reduction or waiver of penalty.

(8) Rule 33 deals with the inspection of business places and confiscation of goods unaccounted. By the amendment to section 28 of the Act effected by Act 11 of 1976, the provision for confiscation of goods unaccounted by dealers have been deleted and instead provision for imposing penalty has been provided. The rule 33 is therefore proposed to be deleted. Similarly rule 34 is also proposed to be amended to prescribe in detail the procedure for the search and seizure of documents in business places in accordance with the amended provisions of section 28 of the Act and also to prescribe the form to be used for the issue of search warrant by the Board of Revenue.

(9) Rule 63 prescribes the manner in which service of notice or summons or order under the Act or rules on the dealer or other persons may be effected. After the enactment of section 55A of the Kerala General Sales Tax Act, 1963, rule 63 need not apply to service of notice and that the rule should be modified for the purpose.

The amendments are intended to achieve the above object.

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GOVERNMENT OF KERALA

Public Works (D) Department

NOTIFICATION

No. 24892/D1/77/PW. *Dated, Trivandrum, 2nd June 1977.*

Whereas in exercise of the powers conferred by clause (1) of article 258 of the Constitution, the President has in Notification No. 2/4/63 Judl. II dated 31-5-1963 entrusted the Government of Kerala with their consent the functions of the Central Government under the Kerala Land Acquisition Act, 1961 (Act 21 of 1962) in relation to the acquisition of lands for the purpose of the Union, in the Kerala State;

And whereas it appears to the Government of Kerala that the land specified in the schedule below is needed or is likely to be needed for a public purpose, to wit for the formation of Block 20B of New National Highway, 47, notice to that effect is hereby given to all whom it may concern, in accordance with the provisions of Section 3(1) of the said Act.

Under sub-section (4) of Section 19 of the said Act, the Government direct that in view of the urgency of the case, the provisions of Section 5 of the Act shall not apply to this case.

ഭരണഘടന, 258—ാം വകുപ്പ് (1)—ാം ഖണ്ഡത്താൽ നൽകപ്പെട്ട അധികാരങ്ങൾ വിനിയോഗിച്ച് രാഷ്ട്രപതി, യൂണിയന്റെ ആവശ്യങ്ങൾക്കായി കേരള സംസ്ഥാനത്ത് ഭൂമി വിലയ്ക്കെടുക്കുന്നതു സംബന്ധിച്ചിടത്തോളം

1961-ലെ കേരള സ്ഥലമെടുപ്പ് ആക്റ്റ് (1962-ലെ 21-ാം ആക്റ്റ്) പ്രകാരം കേന്ദ്ര ഗവൺമെന്റിന്റെ പ്രവൃത്തികൾ 31-5-1963-ാം തീയതിയിലെ 2/4/63 Judl. II-ാം നമ്പർ പരസ്യപ്രകാരം കേരള ഗവൺമെന്റിനെ ആ ഗവൺമെന്റിന്റെ സമ്മതത്തോടുകൂടി ഏല്പിച്ചിരിക്കയാലും;

താഴെ കാണിച്ചിരിക്കുന്ന പട്ടികയിൽ വിവരിച്ചിട്ടുള്ള ഭൂമി ഒരു പൊതുകാര്യത്തിന് അതായത് നാഷണൽ ഹൈവേ 47-ാം നമ്പറിന്റെ ബ്ലോക്ക് 20B രൂപീകരണത്തിന് ആവശ്യമുണ്ടെന്നോ ആവശ്യമുണ്ടാകാനിടയുണ്ടെന്നോ കേരള ഗവൺമെന്റിന് തോന്നുന്നതിനാലും അതിനുള്ള നോട്ടീസ് അത് സംബന്ധിക്കുന്ന എല്ലാവർക്കും മേപ്പടി ആക്റ്റ് 3(1) എന്ന വകുപ്പിലെ വ്യവസ്ഥകൾ അനുസരിച്ച് ഇതിനാൽ നൽകിയിരിക്കുന്നു.

1961-ലെ കേരള സ്ഥലമെടുപ്പ് ആക്റ്റ് (1962-ലെ 21-ാം ആക്റ്റ്) 19-ാം വകുപ്പ് 4-ാം ഉപവകുപ്പുപ്രകാരം പ്രസ്തുത സംഗതിയുടെ അടിയന്തിരസ്ഥിതി പരിഗണിച്ച് ടി ആക്റ്റ് 5-ാം വകുപ്പിലെ വ്യവസ്ഥകൾ താഴെ പട്ടികയിൽ വിവരിച്ചിരിക്കുന്ന ഭൂമിക്ക് ബാധകമല്ലെന്നും ഗവൺമെന്റ് ഇതിനാൽ നിർദ്ദേശിക്കുന്നു.

SCHEDULE

District.—Palghat | *Taluk.*—Alathur

Village.—Vadakkenchery II | *Amsom.*—Mangalam

Sy. No.	*Description*	*Extent in hectare (Approximate)*
279/37	O. D.	0.0020

By order of the Governor,

M. C. RAJA RAJA VARMA,

Deputy Secretary to Government.

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Government of Kerala
1977

Reg. No. KL/TV/11

KERALA GAZETTE

EXTRAORDINARY

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Vol. XXII] Trivandrum, Wednesday, 8th June 1977 / 18th Jyaistha 1899 [No. 335

GOVERNMENT OF KERALA

Public Works (Transport-B) Department

DECLARATION

No. 24989/TB2/77/PW. *Dated, Trivandrum, 7th June 1977.*

Whereas in exercise of the powers conferred by clause (1) of Article 258 of the Constitution the President has, in his Notification No. 2/4/63/ Judl. II dated 31-5-1963 entrusted the Government of Kerala with their consent, the functions of the Central Government under the Kerala Land Acquisition Act, 1961 (Act 21 of 1962), in relation to acquisition of land for the purpose of the Union in this State;

And whereas under sub-section (4) of Section 19 of the said Act the Government of Kerala have directed that in view of the urgency of the case, the provisions of Section 5 of the Act shall not apply to the land specified in the Schedule below;

And whereas the Government are satisfied that the said land has to be acquired for a public purpose;

33/1884/MC.

The Government of Kerala hereby declare under Section 6 of the Act that the land specified in the schedule below and measuring 5 ares 50 Sq. m. be the same a little more or less, is needed for a public purpose, to wit for Diversion of N. I. P. Channel at Ch. 11025 in connection with Railway construction between Trivandrum-Cape-Tirunelvely and under Section 7 of the Act direct the Special Tahsildar No. III (L. A.) for Railways, Trivandrum to take order for the acquisition of the land. Further, under sub-section (1) of Section 19 of the Act, the Government direct that the Collector may take possession of the land on the expiry of fifteen days from the date of publication of the notice mentioned in sub-section (1) of Section 9 of the Act.

A plan of the land is kept in the office of the Special Tahsildar No. III for L. A., Railways, Trivandrum and may be inspected at any time during office hours.

ഭരണഘടന 258-ാം വകുപ്പ് (1)-ാം ഖണ്ഡത്താൽ നൽകപ്പെട്ട അധികാരങ്ങൾ വിനിയോഗിച്ച് രാഷ്ട്രപതി യൂണിയന്റെ ആവശ്യത്തിനായി ഈ സംസ്ഥാനത്ത് ഭൂമി വിലയ്ക്കെടുക്കുന്നത് സംബന്ധിച്ചിടത്തോളം 1961-ലെ കേരള സ്ഥലമെടുപ്പ് ആക്റ്റ് (1962-ലെ 21-ാം ആക്റ്റ്) പ്രകാരം കേന്ദ്രഗവൺമെന്റിന്റെ പ്രവർത്തികൾ തന്റെ 31-5-1963-ാം തീയതിയിലെ 2/4/63/Judl. II-ാം നമ്പർ പരസ്യപ്രകാരം കേരള ഗവൺമെന്റിനെ, ആ ഗവൺമെന്റിന്റെ സമ്മതത്തോടുകൂടി ഭരമേൽപ്പിച്ചിരിക്കയാലും;

പ്രസ്തുത ആക്റ്റ് 19-ാം വകുപ്പ് (4)-ാം ഉപവകുപ്പുപ്രകാരം കേരള ഗവൺമെന്റ് പ്രസ്തുത സംഗതിയുടെ അടിയന്തിരസ്ഥിതി പരിഗണിച്ച്, ആക്റ്റ് 5-ാം വകുപ്പിലെ വ്യവസ്ഥകൾ താഴെ പട്ടികയിൽ വിവരിച്ചിട്ടുള്ള ഭൂമിക്ക് ബാധകമല്ലെന്ന് നിർദ്ദേശിക്കയാലും;

പ്രസ്തുത ഭൂമി ഒരു പൊതുകാര്യത്തിനായി വിലയ്ക്കെടുക്കേണ്ടതാണെന്ന് ഗവൺമെന്റിന് ബോദ്ധ്യപ്പെട്ടിരിക്കുന്നതിനാലും;

കേരള ഗവൺമെന്റ് താഴെ കാണുന്ന പട്ടികയിൽ വിവരിച്ചിട്ടുള്ളതും 05 ആർ 50 ച. മീററർ വിസ്തീർണ്ണമുള്ളതുമായ ഭൂമി, അത് അത്ര തന്നെയോ അതിൽ അൽപ്പം കുറവോ കൂടുതലോ ആയിരുന്നാലും, വേണ്ടതില്ല, ഒരു പൊതുകാര്യത്തിന് അതായത് റെയിൽവേ കൺസ്ട്രക്ഷൻ പണിയോടനുബന്ധിച്ച് ch. 11025 മുതൽ N. I. P. ചാനൽ മാററിവിടുന്നതിന് ആവശ്യമാണെന്ന് ആക്റ്റ് 6-ാം വകുപ്പു പ്രകാരം ഇതിനാൽ പ്രഖ്യാപിക്കുകയും, ആ ഭൂമി വിലയ്ക്കെടുക്കുന്നതിനുള്ള ഉത്തരവ് സ്വീകരിപ്പാൻ ആക്റ്റ് 7-ാം വകുപ്പു പ്രകാരം തിരുവനന്തപുരം റെയിൽവേ പൊന്നും വില സ്പെഷ്യൽ തഹശീൽദാർ No. III എന്ന ആളോട് നിർദ്ദേശിക്കുകയും ചെയ്യുന്നു. ആക്റ്റ് 9-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പിൽ പറഞ്ഞിരിക്കുന്ന നോട്ടീസ് പ്രസിദ്ധപ്പെടുത്തുന്ന തീയതി മുതൽ പതിനഞ്ചു ദിവസം കഴിഞ്ഞാൽ കളക്ടർക്ക് ആ ഭൂമി കൈവശപ്പെടുത്താവുന്നതാണെന്നും കൂടി ആക്റ്റ് 19-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പു പ്രകാരം ഗവൺമെന്റ് നിർദ്ദേശിക്കുകയും ചെയ്യുന്നു.

സ്ഥലത്തിന്റെ പ്ലാൻ തിരുവനന്തപുരം റെയിൽവേ പൊന്നും വില സ്പെഷ്യൽ തഹശീൽദാർ നമ്പർ III എന്ന ആളുടെ ആഫീസിൽ സൂക്ഷിച്ചിട്ടുണ്ട്. ആഫീസ് സമയത്ത് എപ്പോഴെങ്കിലും അത് പരിശോധിക്കുകയും ചെയ്യാം.

SCHEDULE

District—Trivandrum.

Taluk—Neyyattinkara. *Village*—Pallichal.

(The extent given is approximate)

Description—Dry.

Sl. No.	*Survey No.*	*Sub Division No.*	*Extent* H.	A.	Sq.m.
1.	33/1	18	0	0	90
2.	33/1	19	0	3	20
3.	33/1	20	0	0	40
4.	33/1	22	0	1	00
		Total	0	05	50

By order of the Governor,

N. R. AUGUSTINE,

Joint Secretary to Government.

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TRIVANDRUM, 1977.

Government of Kerala
1977

Reg. No. KL/TV/12

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXII] Trivandrum, Wednesday, 8th June 1977 / 18th Jyaistha 1899 [No. 334

GOVERNMENT OF KERALA

Public Works (D) Department

I

NOTIFICATION

No. 24020/D1/77/PW. *Dated, Trivandrum 2nd June, 1977.*

Whereas in exercise of the powers conferred by clause (1) of Article 258 of the Constitution, the President has in Notification No. 2/4/63/Judl. II dated 31-5-1963 entrusted the Government of Kerala with their consent, the functions of the Central Government under the Kerala Land Acquisition Act, 1961 (Act 21 of 1962) in relation to the acquisition of lands for the purpose of the Union in the Kerala State;

And whereas it appears to the Goverument of Kerala that the lands specified in the Schedule below are needed or are likely to be needed for a public purpose, to wit for forming approaches for the Railway overbridge at Ponnurunni in Cochin bye pass N.H. 47, notice to that effect is hereby given to all whom it may concern in accordance with the provisions of section 3(1) of the said Act. Under sub-section (4) of Section 19 of the said Act the Government direct that in view of the urgency of this case the provisions under Section 5 of the Act shall not apply to this case.

ഭരണഘടന 258-ാം വകുപ്പ് (1)-ാം ഖണ്ഡത്താൽ നൽകപ്പെട്ട അധികാരങ്ങൾ വിനിയോഗിച്ചു രാഷ്ട്രപതി, യൂണിയന്റെ ആവശ്യങ്ങൾക്കായി കേരള സംസ്ഥാനത്ത് ഭൂമി വിലയ്ക്ക് എടുക്കുന്നത് സംബന്ധിച്ചിടത്തോളം 1961-ലെ കേരള സ്ഥലമെടുപ്പ് ആക്റ്റ് (1962-ലെ 21-ാം ആക്റ്റ്) പ്രകാരം കേന്ദ്ര ഗവൺമെന്റിന്റെ പ്രവർത്തികൾ തന്റെ 31-5-1963-ാം തീയതിയിലെ 2/4/63 ജുഡീഷ്യൽ II-ാം നമ്പർ പരസ്യപ്രകാരം കേരള ഗവൺമെന്റിനെ, ആ ഗവൺമെന്റിന്റെ സമ്മതത്തോടുകൂടി, ഭരമേൽപ്പിച്ചിരിക്കയാലും;

താഴെ കാണിച്ചിരിക്കുന്ന പട്ടികയിൽ വിവരിച്ചിട്ടുള്ള ഭൂമി ഒരു പൊതു കാര്യത്തിന് അതായത് നാഷണൽ ഹൈവെ 47—ൽ കൊച്ചിൻ ബൈപാസിൽ പൊന്നുരുന്നി റെയിൽവേ ഓവർ ബ്രിഡ്ജിന് അപ്രോച്ച് റോഡ് നിർമ്മിക്കുന്നതിന് ആവശ്യമുണ്ടെന്നോ, ആവശ്യമുണ്ടാകാനിടയുണ്ടെന്നോ കേരളാ ഗവൺമെൻറിന് തോന്നുന്നതിനാലും, അതിനുള്ള നോട്ടീസ് അതു സംബന്ധിക്കുന്ന എല്ലാവർക്കും മേൽപ്പടി ആക്ററ് 3(1) എന്ന വകുപ്പിലെ വ്യവസ്ഥകളനുസരിച്ച് ഇതിനാൽ നൽകിയിരിക്കുന്നു.

SCHEDULE

District.—Ernakulam.

Taluk.—Kanayannur. *Village.*—Poonithura.

Sl.No.	*Survey No.*	*Description*	*Extent in hectare*
1	559/1	Dry	0.0450
2	559/2	,,	0.0665
3	560/1	,,	0.1750
4	560/5	,,	0.0924
5	753/1	,,	0.0475
6	754/1	,,	0.0351
7	755/1	,,	0.0351
8	755/2	,,	0.0592
9	756/2	,,	0.0116
10	757/2	,,	0.0331
11	757/3	,,	0.0449
12	560/3	,,	0.1821
13	560/4	,,	0.1584
14	561/1	,,	0.0018
15	563/1	Wet	0.0010
16	563/2	Dry	0.0010
17	712/2	Wet	0.0010
18	712/3	Dry	0.0045
19	748/1	Wet	0.0202
20	748/2	Dry	0.0030
21	748/3	Wet	0.0015
22	751/3	Dry	0.0432
23	751/4	,,	0.0107
24	751/5	,,	0.0030
25	751/7	,,	0.0040
26	752/1	Wet	0.0587
27	753/3	Dry	0.0065
28	753/6	,,	0.0120
29	756/6	,,	0.1500
30	531/2	,,	0.0451
31	536/1	Wet	0.0210
32	536/2	,,	0.0221
33	536/3	,,	0.0453
34	537/3	,,	0.0010

Sl.No.	*Survey No.*	*Description*	*Extent in hectare*
35	545/3	Wet	0.0100
36	546/1	,,	0.0028
37	546/5	,,	0.0153
38	547/3	Dry	0.0794
39	547/5	,,	0.0207
40	549/2	Wet	0.2539
41	552/1	Dry	0.0450
42	552/3	,,	0.0432
43	553/1	Wet	0.0324
44	553/3	,,	0.0437
45	554/3	Dry	0.0473
46	554/8	,,	0.0715
47	554/9	,,	0.0055
48	530/2	Dry	0.0088
49	530/3	Wet	0.0215
50	535/1	Dry	0.0518
51	546/3	Wet	0.1125
52	553/2	Dry	0.0019
53	553/6	Wet	0.0090
54	561/3	Dry	0.0061
55	562/1	Wet	0.1880
56	562/2	Dry	0.0240
57	562/4	,,	0.0190
58	665/1	Wet	0.0075
59	565/2	Dry	0.0010
60	567/Part	Wet	0.0535
61	568/1	Dry	0.0124
62	568/2	Wet	0.1040
63	569/3	Dry	0.1360
64	570/1	Wet	0.0136
65	571/1	Dry	0.0062
66	571/2	Wet	0.0190
67	571/3	Dry	0.0180
68	571/4	Wet	0.1025
69	574/1	Dry	0.0680
70	601/2	,,	0.0060
71	601/3	Wet	0.0015
		Total	3.1050

NOTIFICATION

UNDER SECTION 6 OF THE KERALA SURVEY AND BOUNDARIES ACT, 1961 (ACT 37 OF 1961)

No. 24020/D1/77/PW. *Dated, Trivandrum 2nd June, 1977.*

Whereas the Government have directed the survey of lands comprised in survey numbers noted below it is hereby notified under sub section (1) of section 6 of the Kerala Survey and Boundaries Act, 1961, that survey operation will be started in the village soon and the survey number of the village noted below will be demarcated and surveyed; and that every person claiming to be interested in the registered lands situated within or adjoining the undermentioned lands are hereby invited to attend immediately either in person or by agent on the surveyor employed in the locality and also from time to time when called upon for the purpose of pointing out the boundaries and supplying information in connection therewith.

Under sub-section (2) of section 6 of the said Act, this notification shall be held to be a valid notice to every person having any interest in the undermentioned land.

Under sub-section (3) of section 6 of the above said Act, all the registered holders are hereby required,—

(a) to clear within 15 days by cutting down or removing any trees, jungle, fences, standing crops or other material obstructions, the boundaries or other lines, the clearance of which may be necessary for the purpose of survey; and

(b) to provide labour at such time and for such periods as may from time to time be required by furnishing flag holders and chainmen; and

(c) to provide suitable survey marks and otherwise to give such assistance in the survey as may be demanded under the said Act, or the rules made thereunder.

If any person fails to comply with these requisitions under clauses (a) to (c) mentioned above the work will be got done by employing hired labour and the cost thereof will be recovered from the defaulters as provided in the Act and rules made thereunder.

SCHEDULE

District—Ernakulam.

Taluk—Kanayannur.

Village—Poonithura.

Sl. No.	*Survey No.*
1	530
2	531
3	535
4	536
5	537
6	545
7	546
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By order of the Governor,

M. C. RAJA RAJA VARMA,
Deputy Secretary to Government.

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